

U.S. DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
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**UNITED STATES DISTRICT COURT**  
**WESTERN DISTRICT OF LOUISIANA**  
**ALEXANDRIA DIVISION**

**DAVID A. FUSELIER**  
**FED. REG. NO. 11580-035**

**-vs-**

**FREDRICK MENIFEE, WARDEN**

**CIVIL ACTION NO. 07-1797**

**JUDGE DRELL**

**MAGISTRATE JUDGE KIRK**

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**J U D G M E N T**

Before us is the Report and Recommendation of the Magistrate Judge recommending that petitioner's Application for Federal Writ of Habeas Corpus under 28 U.S.C. § 2241 be denied and dismissed with prejudice. We adopt the Report and Recommendation with the following modification:

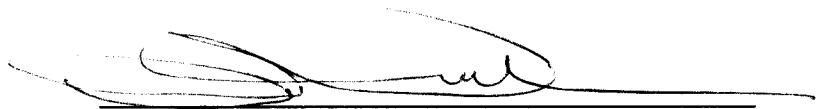
Petitioner claims in part that the Bureau of Prisons has not credited him for time served in Calcasieu Parish. After briefly discussing the possibility of relief under 18 U.S.C. § 3585 for such a claim, the Report and Recommendation states that "[t]he record presently before the court is insufficient to establish whether this provision applies to petitioner's case." (Doc. 2, p. 6). However, Exhibit B to petitioner's objections clearly shows that petitioner has been in custody of the Bureau of Prisons since April 10, 2003 and lists his time served in Calcasieu Correctional Center in the Remarks section. (Doc. 3, p. 10). Thus, the record before us clearly shows that he was given credit for the time served there, and he is not entitled to any relief on that ground.

For the reasons stated in the Report and Recommendation of the Magistrate Judge previously filed herein, and after an independent review of the record, including the objections filed by petitioner, and having determined that the relevant findings and recommendations are correct under the applicable law, subject to the above modification:

**IT IS ORDERED** that petitioner's Application for Federal Writ of Habeas Corpus under 28 U.S.C. § 2241 which alleges that he is in custody in violation of the Constitution and laws of the United States be **DENIED** and **DISMISSED WITH PREJUDICE**.

**IT IS FURTHER ORDERED** that petitioner's Application for Federal Writ of Habeas Corpus under 28 U.S.C. § 2241 which alleges that the Bureau of Prisons has erroneously calculated sentence credits be **DENIED** and **DISMISSED WITH PREJUDICE** based on evidence showing that petitioner has already been credit for time served in Calcasieu Parish.

SIGNED on this 18<sup>th</sup> day of December, 2007 at Alexandria, Louisiana.

A handwritten signature in black ink, appearing to read 'Dee D. Drell', is written over a horizontal line.

DEE D. DRELL  
UNITED STATES DISTRICT JUDGE